

CHAPTER 74. ZONING

ARTICLE V. District Regulations.

DIVISION 4. Industrial Districts.

Section 74-256. M-1 Light Industrial District.

- (a) *Purpose of district.* The M-1 Light Industrial District is established to provide exemplary standards of development for certain industrial uses that prefer to be located in choice of strategic sites. The M-1 Light Industrial District is intended for administrative, wholesaling, manufacturing and related uses which can maintain high standards of appearance, including open spaces and landscaping; limit external effects such as noise, odors, smoke and vibration; and not require a high level of public services. With proper control, these areas should become compatible with commercial or residential areas.
- (b) *Permitted uses.* The following are permitted uses in the M-1 Light Industrial District:
- (1) Art equipment supplier – manufacturers.
 - (2) Bags, boxes and paper containers, manufacturing and storage.
 - (3) Baker products.
 - (4) Bottling establishments.
 - (5) Books, loose-leaf binders – fabrication and assembly.
 - (6) Cabinet and woodworking establishments.
 - (7) Books and Bookbinding.
 - (8) Camera and photographic manufacturing.
 - (9) Cold Storage Plants.
 - (10) Commercial printing, publishing, engraving and reproduction firms.
 - (11) Confectionary and related products, manufacture and packaging.
 - (12) Dental Instruments and supplies.
 - (13) Dry cleaning and drying establishments.
 - (14) Electric lighting and wiring equipment – manufacture.
 - (15) Electric measuring and testing equipment – manufacture.
 - (16) Electric tubes and other components – manufacture.
 - (17) Electrical products and appliances – manufacture and assembly.

- (18) Fabricated metal products – warehousing and administration.
- (19) Food and kindred products – warehousing and administration only.
- (20) Footwear – manufacture and fabrication.
- (21) Furniture and fixtures – warehousing and administration only.
- (22) Hand and edge tools (except machine tools) – manufacturing and assembly.
- (23) Hardware warehousing and distribution operations.
- (24) Ice plants and ice cream plants.
- (25) Jewelry manufacture.
- (26) Laboratory instruments and associated equipment, scientific and testing.
- (27) Luggage, handbags, similar items – manufacture and assembly.
- (28) Lumber and wood products.
- (29) Mail order houses.
- (30) Medical and surgical instruments and supplies.
- (31) Machine tool – manufacture.
- (32) Newspaper plants and offices.
- (33) Optical instruments and lenses – manufacture and assembly.
- (34) Paper and allied products – warehousing and administration.
- (35) Patterns – design and manufacture.
- (36) Pottery shops.
- (37) Precision instruments.
- (38) Plastic extrusion and molding and fixture.
- (39) Plumbing fixture and equipment – wholesale.
- (40) Radio and television – assembly and parts fabrication.
- (41) Sport equipment – manufacture and assembly.
- (42) Scientific and research instruments and equipment – manufacture and assembly.
- (43) Signs and advertising display materials.
- (44) Stone, Clay and glass products – warehousing and administration.

- (45) Telephone and telegraph technical apparatus – manufacture and assembly.
 - (46) Temperature controls – fabrication and assembly.
 - (47) Textile products – warehousing and administration only.
 - (48) Trade Schools.
 - (49) Welding supply.
 - (50) Wholesale business facilities.
 - (51) Manufacturing of building materials.
 - (52) Office uses directly related to the above uses.
 - (53) Brewery, Micro.
 - (54) Brewery, National.
 - (55) Brewery, Regional.
- (c) *Conditional Uses.* The following uses may be allowed only upon the City’s issuance of a Conditional Use Permit:
- (1) Any manufacturing, production, processing, cleaning, storage, servicing, repair and testing of materials, goods or products similar to those permitted uses which conform with the performance standards set forth in this district.
 - (2) Other manufacture, processing, storage or commercial uses as determined by the Planning Commission to be of the same general character as the permitted uses above and found not to be obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, oxidation, smoke, dust, odors, toxic or noxious matters or glare or heat.
 - (3) Retail and service establishments providing goods and services that are complimentary to the principal uses in the district.
 - (4) Broadcast antenna, radio and television.
 - (5) Daycare facility.
- (d) *Accessory Uses.* The following are considered accessory uses:
- (1) Uses customary with and incidental to the principal use are permitted, but shall not exceed thirty (30) percent of the gross floor area of the principal use.
 - (2) Signs, off-street parking and loading areas as regulated by this chapter.
 - (3) Taprooms.

- (e) *Prohibited Uses.*
- (1) Public schools or private schools for students enrolled in grades K-12, or any portion thereof.
 - (2) Any use not specifically listed as permitted, conditionally permitted, permitted with an interim use permit, or as allowed elsewhere in the City Code, shall be considered prohibited. A prohibited use may be changed to a permitted, conditionally permitted or interim use upon amendment of this Chapter.
- (f) *Site design standards.* Site design standards in the M-1 light industrial district shall be as follows:
- (1) *Minimum lot size.*
 - a. A lot area of not less than one-half acre is required.
 - b. A lot width of not less than 75 feet abutting a public right-of-way is required.
 - c. A lot depth of not less than 150 feet is required.
 - d. A minimum of ten percent of the total lot area shall be reserved for landscaping use. Such landscaping shall conform in design and appearance to other sections of this chapter as approved by the planning commission.
 - (2) *Front, side and rear yard requirements.* Front, side and rear yard requirements shall be as follows:
 - a. *Front yard.* There shall be a front yard having a depth of not less than 25 feet between buildings and the street right-of-way line devoted exclusively to landscaping except for necessary points of access.
 - b. *Distance from highways or thoroughfares.* No building shall be erected closer than 30 feet to the right-of-way line of any state highway, major, or secondary thoroughfare.
 - c. *Side yard.* There shall be two side yards, one on each side of any building, each of a width of not less than 20 feet, except that where the district abuts or adjoins a residence district, the side yard width shall not be less than 50 feet.
 - d. *Rear yard.* There shall be a rear yard having a depth of not less than 30 feet, except that where the district abuts or adjoins a residential district, there shall be a rear yard of not less than 50 feet.
 - e. *Distance from adjacent residential district.* No building shall be erected closer than 50 feet to any lot line adjacent to a residential district. The areas between buildings and streets or lot lines shall be landscaped as buffer strips planted with grass, shrubs, and trees and shall be continuously maintained by the property owner in a sightly manner. Additionally, or in the

alternative, the City may require a fence, with a finished side out, to screen the property from view from the residential district.

- (3) *Maximum ground coverage.* No more than 50 percent of a lot shall be covered by buildings.
- (4) *Zero lot line development.* Industrial lots may be platted or subdivided in such a manner that common property lines will have a zero lot line setback, provided however, that each lot meets all performance, safety and other standards required by the zoning administrator.
- (5) *Common areas.* The developer may provide open storage, parking, driveways, and loading areas in an area common to all units of the building. Common areas shall be deeded to and held in the name of an owner's association created by the developer and including all owners of property in the project. Declarations, in form and substance acceptable to the City attorney, governing the usage and maintenance of such common areas shall be adopted and filed by the developer.
- (6) *Party wall agreements.* Agreements to ensure maintenance of party walls shall be approved by the City attorney.
- (7) *Off-street parking and loading area requirements.* Establishments within an M-1 light industrial district must be designed to provide vehicle parking space for employees and visitors and space for truck loading and unloading on their own property, as no parking shall be permitted on streets within or bordering an M-1 district.
 - a. *Drainage and surface.* The surfaces of parking stalls and aisles, truck standing spaces and access driveways shall be blacktop, concrete, or other hard surface and designed and maintained for adequate drainage and free from dust, dirt, and mud. Such maintenance includes keeping the blacktop, concrete, or other hard surface in good condition and free from chuckholes and other types of surface cracks and breakage.
 - b. *Curbing.* The entire perimeter of the parking stalls and aisles, truck standing spaces and access driveways shall be curbed with a six-inch high curbing of poured or precast concrete.
 - c. *Parking.* All required parking stalls shall be located on the premises to which such requirements apply or on an off-street space distant not more than 500 feet from such premises, provided that stalls required for employees and proprietors of any premises may be located on an off-street space distant not more than 1,000 feet from such premises.

- d. *Parking stalls.* For the purpose of this Chapter, each parking stall shall be not less than 300 square feet in area, including a minimum width of nine feet and a minimum depth of 20 feet and whatever area is required for satisfactory movement into and out of such stall.
- e. *Prohibited off-street parking.* Off-street parking is prohibited in the following areas:
 - 1. Any portion of required 25-foot front yard.
 - 2. Any more than two-thirds of required rear yard.
 - 3. Any closer to a lot line than five feet.
 - 4. Any closer to a main building than five feet.
- f. *Driveway requirements.*
 - 1. A maximum driveway width of 32 feet at the curb opening, excluding the entrance radii may be constructed without the approval of the zoning administrator.
 - 2. The parking aisle shall be at least 25 feet in width, unless otherwise approved by the zoning administrator.
 - 3. The edge of the curb opening shall not be closer to the nearest portion of a street right-of-way intersection than 75 feet or two-thirds of the lot width (whichever is smaller); except that where a "T" intersection exists, a drive may be located opposite the end of the intercepted street.
 - 4. A minimum driveway angle to the street shall be 60 degrees.
 - 5. The driveway pavement must:
 - i. Be at least five feet from any lot line.
 - ii. Be at least five feet from the main building.
 - iii. Have a minimum driveway radii of ten feet.
- g. *Truck berths.*
 - 1. Each business, commercial, manufacturing or industrial use having deliveries made by

truck more than once a day between the hours of 8:00 a.m. and 6:00 p.m., or where the time of loading and unloading materials or goods exceeds ten minutes between those hours, shall provide off-street truck loading space on the lot, such space to be not less than 35 feet in length, 12 feet in width and 15 feet in height.

2. Loading and unloading facilities are to be located in the rear yard; or side yard if properly screened by a solid six-foot fence or other acceptable means.
 3. The space needed for the loading and unloading facilities must be adequate to handle the loading and unloading needs, without obstructing right-of-way.
- h. *Parking ratio requirements.* The parking areas shall include the following ratio of parking stalls plus adequate aisles, walks and open spaces:
1. Manufacturing: One parking stall per 500 square feet of building or one stall per 1.5 employees on major shift plus one for each company vehicle, whichever is greater.
 2. Office: One parking stall each per 250 square feet of floor area.
 3. Warehousing: One each per 1.5 employees plus one for each company vehicle, or one per 2,000 square feet of floor area whichever is greater.
 4. Other uses: For other uses, parking stall requirements shall be at least comparable to similar uses in other districts, but also subject to additional provisions as provided by the City.
 5. Joint use of parking: Provisions of parking stalls jointly by several uses in the same block or in the same vicinity is permissible; in which case, the number of stalls required shall be the sum total of the individual requirements, provided that where it is found by the Planning Commission upon application thereto that the need for parking stalls required in this section is substantially less, the Planning Commission may recommend to the City Council and the Council may reduce the total number of parking stalls to be jointly provided.

6. No reduction of parking space: All required parking spaces provided on a lot or in a building shall be unobstructed and useable for the purpose and shall not be reduced.
 - i. *Berming of parking lots and adjacent streets.* Berming of parking lots and adjacent to streets will be required where it is deemed appropriate by the Planning Commission.
- (8) *Open storage areas.* Open storage areas are permitted in the following areas:
- a. Side yards not adjacent to or across the street from any residential district.
 - b. Rear yards: Except within 50 feet of a property line adjacent to any residential district.
 - c. Building setbacks: No open storage shall be permitted in building setbacks from rights-of-way.
 - d. Screening: Open storage areas shall be screened by walls of buildings or a screening fence compatible with the principal building and surrounding land uses. The screening requirements shall be satisfied by the use of one of the following as required by the Planning Commission:
 1. *Screening fence.* A screening fence at least six feet in height with a minimum opaqueness of 80 percent. The fence shall be compatible with the principal building and surrounding properties. Screening fences shall be painted or stained, whenever necessary, to prevent fading, chipping or discoloration. Damaged or destroyed fences shall be repaired or restored in a reasonable period of time.
 2. *Planting screen.* A planting screen consisting of a row of alternating evergreen shrubs and deciduous trees. Only honey locust, hard maples, green ash, ginko, or other long-lived shade trees approved by the City forester shall be planted. The trees shall be a minimum of two to 2½ inches caliper and shall be spaced not more than 15 feet apart. The shrubs shall be a minimum of two to three feet in height at time of planting, with a mature height of four to six feet, and shall be spaced between the trees in such proximity as will form a screen. Planting screens shall be maintained in a neat and healthy condition. Dead materials shall be replaced in a reasonable period of time. As

an alternative, a planting screen may consist of a continuous row of evergreen trees, no less than four feet in height at time of planting and ten feet apart.

3. *Berm.* A berm no less than six feet in height with a side slope of no greater than 1½ to two. The berm shall be sodded or seeded, mulched, and maintained until sod develops. Slopes greater than 1½ to two may be used if the slopes are stepped, using retaining walls. Plant materials resistant to erosion may be substituted for sod or seed with the prior approval of the planning commission.
4. *Others.* Topography, existing vegetation, permanent buildings, or other barriers may be substituted for the provisions of this subsection, if in the determination of the Planning Commission they provide equivalent screening.
- e. Garbage receptacles or refuse areas must be located in rear or side yards, be constructed of masonry with a gate and must be screened from public view.
- f. Storage of company vehicles over 9,000 pounds gross vehicle weight is permitted only in screened areas approved by the planning commission.
- g. Business which require outside storage that are adjacent to properties, which through private covenants have prohibited all outside storage, shall not be erected closer than 50 feet to any lot line. The area between buildings storage areas and the lot line shall be landscaped and buffer strips planted with grass, shrubs, and trees and shall be continuously maintained by the property owner. Additionally, or in the alternative, the City may require a fence, with the finished side out, to screen the outside storage from view.

(9) *Landscaping.*

- a. All open areas of any site, lot, tract, or parcel shall be graded to provide proper drainage and except for areas used for parking driveways or storage, shall be landscaped with trees, shrubs, and planted ground cover. Location, size, and species of trees and shrubs shall be indicated on the site plan and subject to the landscaping ordinance and approval by the Planning Commission.
- b. It shall be the owner's responsibility to see that this landscaping is maintained in an attractive and well-kept condition. If any trees or shrubs die, the owners

shall replace them with a like species. Any dead or damaged sod also shall be replaced.

- c. All vacant lots, tracts, or parcels shall be properly maintained in an orderly manner, free of litter and junk.
- d. All landscaped areas and sodded areas which abut a public street shall include an underground sprinkling system.

(g) *Performance standards.* It is the intent of this subsection to provide that industry and related activities in the M-1 light industrial district shall be established and maintained with proper appearance from streets and adjoining properties and to provide that each such permitted use shall be a good neighbor to adjoining properties by the control of emission of noise, odor, glare, vibration, smoke, dust, liquid wastes, radiation, radioactivity, etc.

- (1) *Noise.* Noise shall be measured on any property line of the tract on which the operation is located. Noise shall be muffled, so as not to become objectionable due to intermittence, beat frequency, shrillness or intensity.
- (2) *Odor.* No activity or operation shall cause at any time the discharge of odorous matter in such concentrations as to be readily detectable at any point along the property boundary line or in such concentration as to create a public nuisance or hazard beyond such boundary line. Detailed plans for the prevention of odors crossing property lines may be required before the issuance of a building permit.
- (3) *Glare.* Glare, whether direct or reflected, such as from floodlights or high temperature process, and as differentiated from general illumination, shall not be visible at any property line.
- (4) *Exterior lighting.* Any lights used for exterior illumination shall direct light away from adjoining properties.
- (5) *Smoke, dust, fumes, or gases.* every operation shall conform to state pollution control standards.
- (6) *Storage of materials.* Open storage of materials in any required front, side or rear yard shall be prohibited. Any other outside storage shall be located or screened, so as not to be visible from any of the classes of residence districts.
- (7) *Hazard.* Every operation shall be carried on with reasonable precautions against fire and explosion hazards.
- (8) *Water supply.* The design and construction of water supply facilities and water supply source shall be in accord with city health standards and requirements.
- (9) *Waste.* All sanitary sewage and industrial wastes shall be treated and disposed of in such manner as to comply with health standards and requirements of the City and the State Department of Health and the State Water Pollution Control Commission.

- (h) *Architectural control and appearance.* Architectural control and appearance in the M-1 light industrial district shall be regulated as follows:
- (1) All buildings erected shall conform to the State building code.
 - (2) Building specifications must contain sufficient data to indicate elevations, all materials, textures, colors, and finishes for all foundations, exterior walls and roofs of buildings and for all storage fencing and walls.
 - (3) The Planning Commission and City Council will review the overall appearance of the proposed buildings in terms of the structure's relationship and impact on adjacent land uses and development. The building should conform with the existing design and character of the industrial park, and any adjacent businesses. The standards for architectural treatment will be higher for sides of buildings facing a street or a residential area.
 - (4) All exterior wall finishes on any building shall be one or a combination of the following:
 - a. Face brick.
 - b. Natural stone.
 - c. Decorative block, if used with brick, stone, or glass.
 - d. Specially designed precast concrete units, if the surfaces have been integrally treated with an applied decorative material or texture.
 - e. Factory fabricated or pre-engineered steel and finished metal framed panel construction, if the panel materials are any of those named above, glass, prefinished (other than galvanized iron), or a plastic, and if there is a color retention guarantee of a minimum of 20 years, and if 42-inch full perimeter frost footings are included. If any metal materials are utilized, there must not be any exposed fasteners used and guardrails or posts, curbs, or buffer strips must be installed to prevent impact to the building.
 - (5) The building design should exhibit architectural uniqueness in building lines, shades, and angles to enhance energy conservation and when practical use active or passive solar design.
 - (6) All buildings shall be constructed so as to screen all electrical and mechanical equipment on the roof or to secure such equipment mounted at ground level by appropriate screening.
 - (7) Every exterior wall, foundation and roof of any building or structure shall be reasonably watertight, weather tight and rodent proof and shall be kept in a workmanlike state of maintenance and repair. Exterior walls shall be maintained and kept free from dilapidation by cracks, tears or breaks or from deteriorated plaster, stucco, brick, wood or other material that is extensive and suggests neglect. The protective surface

on exterior walls of a building above ground level shall be maintained in good repair so as to provide a sufficient covering and protection of the structural surface underneath against its deterioration. Without limiting the generality of this section, a protective surface of a building shall be deemed to be out of repair if (i) more than 25 percent of the area of any plane or wall on which the protective surface is paint is blistered, cracked, flaked, scaled or chalked away, or (ii) more than 25 percent of the pointing of any brick or stone wall is loose or has fallen out.

- (i) *Plat and plan approval.* Plat and plan approval of property in the M-1 light industrial district shall be as follows:
- (1) A site plan and security agreement shall be required pursuant to section 74-37.
 - (2) A complete set of building plans and specifications certified by a registered architect and engineer, sewage disposal and water supply plans must accompany the site plan.
 - (3) No development shall be allowed until the Planning Commission has reviewed and made a recommendation and the City Council has approved the deed restrictions for such a district and evidence of filing such restrictions is given to the City Council.

Section 74-257.

M-2 General Industrial District.

- (a) Purpose of district. The M-2 General Industrial District is established to provide industrial uses that are more intensive than uses permitted in other industrial districts based on performance, site requirements, and site use. Uses in the district are permitted based on the geography of Anoka being a fully developed community with limited area and smaller parcels which may limit industrial uses that require larger areas to operate. Additionally, the M-2 General Industrial District, when located near residential or commercial zoning districts or other land uses, will require additional performance standards and limitations of use to ensure compatibility with such districts and land uses.
- (b) Permitted uses. The following are permitted uses in the M-2 General Industrial District:
- (1) Dry cleaning, laundry and drying establishments
 - (2) Government maintenance facility
 - (3) Laboratories for medical science research
 - (4) Laboratories for physical science research
 - (5) Manufacturing of:
 - Flour and other grain mill products
 - Fats and Oils
 - Cereal breakfast foods
 - Sugar
 - Confectionary
 - Frozen and canned food
 - Dried and dehydrated food and pasta
 - Dairy products
 - Bakery products
 - Flour, cookie, and cracker mixes

Tortillas
Coffee and tea
Soft drinks and bottled water
Ice
Malt beverage, wine, distilled and blended liquors
Tobacco
Yarn, thread, broad woven, narrow and nonwoven fabrics
Schiffli machine embroideries
Textile finishing, household textile products
Coated Fabrics
Carpets and rugs
Canvas and related products
Rope, cordage, and twine
Hosiery, socks, hats, caps, neckware and other clothing/apparel
Footwear
Luggage and Leather goods
Sawmills and cut stock, resawing
Wood preservation
Hardwood and softwood veneer and plywood
Engineered wood member, truss and prefab wood buildings
Wood container and pallet
Paperbox and container
Plastics, foil, and paper packaging
Coated and laminated paper and foil
Paper office supply
Sanitary paper product
Commercial printing
Manifold business forms and checkbooks
Book printing, binding, post press and service industries for the printing trade
Inorganic, organic and synthetic fabric, dye and pigment
Plastics material resin and synthetic rubber
Drugs and Medicinal Chemical Manufacturing
Paint and Coating
Adhesives
Soaps, detergents, polishes and related products
Toilet preparation
Printing Ink
Custom compounding of purchased resin
Photographic film, paper and plate
Unlaminated plastics film and sheet (except packaging)
Plastic bottles and plastic profile shapes
Plastic Pipe and Fittings
Laminated plastics plate, sheet, and shapes
Plastic foam products
Plastic plumbing fixtures
Tire manufacturing
Rubber and Plastic hoses and belting
Rubber products
Vitreous china, fine earthenware and porcelain
Brick and other structural clay products except refractories
Flat, pressed, blown and fabricated glass
Abrasive products
Cut stone and stone products
Aluminum Sheet, Plate, Foil and extruded products
Copper rolling, drawing and extruding

Copper wire drawing
Forging
Custom roll forming
Crown and closures
Powder Metallurgy Parts
Cutlery, flatware, kitchen utensil, pot and pans
Hand and edge tools, hardware
Saw blade and handsaw
Metal window and doors
Sheet metal
Ornamental and architectural metal work
Metal can and containers
Spring (heavy and light gauge)
Machine shops
Precision turned product
Bolt, nut, screw, rivet, and washers
Metal coating, engraving and allied activities
Industrial valves
Fluid power valve and hose fitting
Plumbing fixture fitting
Ball and roller bearing
Fabricated pipe and pipe fitting
Enameled Iron and Metal Sanitary Ware
Fabricated Structural Metal
Farm, turf, lawn and garden machinery
Construction and mining equipment
Woodworking machinery
Textile machinery
Printing trades machinery and equipment
Food products machinery
Vending machines
Commercial laundry equipment
Optical instrument and lens
Photographic Equipment
Blowers, exhaust and ventilation fans
Heating equipment
Refrigeration, air conditioning and warm air equipment
Machine tool accessories
Metalworking machinery
Turbines
Mechanical power transmission
Pumps and compressors
Conveying and elevating equipment and industrial trucks
Hoists, cranes and monorails
Power-drive hand tools
Welding apparatus
Packaging machinery and equipment
Industrial furnaces and ovens
Fluid power equipment
Scales and balances
Special dies, tools, jigs, fixtures
Cutting tool and Machine tool accessories
Computing and office machines
Communications equipment
Radio receivers and television sets
Electronic components

Electric Enclosures
Musical Instruments
Clocks, watches and watchcases
Discs and recording devices
Household appliances, cabinets, countertops, mattresses, furniture
Motors, generators
Switchgear, switchboard
Storage batteries, primary batteries
Fiber optic cable, wire and other communication cable
Carbon and Graphite products
Motor vehicles, boats, trains, airplanes and parts associated with
Aerospace industries
Blinds and shades
Medical and dental equipment
Jewelry
Hollowware and Flatware
Sporting and Athletic goods
Toys, games, dolls, and children's vehicles
Pens, pencils, marking devices
Signs and displays
Burial caskets
Brooms, brushes, and mops
Buttons, needles, pins, fasteners
(6) Offices
(7) Public utilities and services
(8) Retail sales and showrooms when done in association with a permitted or conditionally permitted use
(9) Warehousing or distribution centers
(10) The manufacture of ammunition and all processes related to the manufacture of ammunition, the development of the materials and components used in the manufacture of ammunition and the storage of the materials and components used in the manufacture of ammunition.
(11) Brewery, Micro.
(12) Brewery, National.
(13) Brewery, Regional.
(14) Manufacturing of wine, distilled and blended liquors.

(c) Conditional Uses. The following uses may be allowed only upon the City's issuance of a Conditional Use Permit:

- (1) Automotive repair
- (2) Concrete product manufacturing
- (3) Daycare
- (4) Electroplating, coating, engraving and allied activities
- (5) Metal heat treating
- (6) Prefabricated metal building and component manufacturing
- (7) Resilient floor covering manufacturing
- (8) Power boilers, heat exchangers, and heavy gauge metal tank manufacturing
- (9) Mixed municipal recycling facility
- (10) Tire retreading facility
- (11) Compost facility
- (12) Any junkyard that is entirely within an enclosed building(s) and do not require any open storage
- (13) Other manufacturing, process, storage or commercial uses as determined by the Planning Commission to be of the same general

character as the permitted uses and found not to be obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, oxidation, smoke, dust, odors, and/or toxic or noxious matters.

- (14) Any permitted use located directly adjacent to a residential zoning district.

(d) Prohibited Uses.

- (1) Alkalis and chlorine manufacturing
- (2) Alumina refining
- (3) Animal slaughtering
- (4) Animal food manufacturing
- (5) Asphalt and tar roofing, siding, and paving products
- (6) Carbon black manufacturing
- (7) Cement, lime, and gypsum products manufacturing
- (8) Cyclic crude and intermediate manufacturing
- (9) Demolition debris land disposal facility
- (10) Energy recovery facility
- (11) Ethyl alcohol manufacturing
- (12) Feedlots
- (13) Fertilizer, pesticides and other agricultural chemicals facility
- (14) Fish and other seafood processing
- (15) Foundries
- (16) Ground or treated mineral and earth manufacturing
- (17) Industrial gas manufacturing
- (18) Industrial solid waste land disposal facility
- (19) Iron, steel mill, and electrometallurgical products manufacturing
- (20) Landfills
- (21) Junkyards not meeting the requirements under 74-2579 (c)(13)
- (22) Leather tanning facility
- (23) Metal Recycling Facility
- (24) Mixed municipal solid waste land disposal facility
- (25) Paper and paperboard mills
- (26) Petrochemical manufacturing
- (27) Poultry processing
- (28) Pulp mills
- (29) Ready-mix concrete manufacturing
- (30) Rendering and meat by-product processing
- (31) Rolling, drawing and extruding of nonferrous metals
- (32) Public or private schools
- (33) Single or multiple family residential
- (34) Slaughtering of animals
- (35) Smelting
- (36) Solid waste land disposal facility
- (37) Solid waste management facility
- (38) Transfer station
- (39) Any use not specifically listed as permitted, conditionally permitted, or as allowed elsewhere in the City Code, shall be considered prohibited. Any prohibited use may be changed to permitted or conditionally permitted upon an amendment to this Chapter.

(e) *Accessory Uses.* The following are considered accessory uses:

- (1) Taprooms.

- (f) *Site design Standards.* Site design standards in the M-2 general industrial district shall be as follows:
- (1) *Height regulations.* No building or structure shall hereafter be erected or structurally altered to exceed a height of 50 feet. Greater heights may be allowed upon issuance of a conditional use permit. Accessory structures used exclusively for the storage of materials processed, used, or manufactured on site shall be exempt from height regulations.
 - (2) Front, side and rear yard requirements: Front, side and rear yard requirements shall be as follows:
 - a. *Front yard regulations.* In the M-2 general industrial district, there shall be a front yard of not less than 20 feet; except, that on every lot in the M-2 general industrial district that is located across the street from any of the classes of residential districts, there shall be a front yard of not less than 25 feet.
 - b. *Side yard regulations.* In the M-2 general industrial district, there shall be a side yard of not less than 10 feet, -except, that when the property abuts or adjoins any of the classes of residential districts, there shall be a side yard of a width of not less than 20 feet. When the property abuts or adjoins a railroad no side yard is required.
 - c. *Rear yard regulations.* In the M-2 general industrial district there shall be a rear yard of not less than 20 feet except, that when the property abuts or adjoins any of the classes of residential districts, there shall be a rear yard of a depth equal to, but not less than, twice the depth of a rear yard required in the abutting district. When the property abuts or adjoins a railroad no rear yard is required.
 - (3) *Impervious surface and Riparian Lots.*
 - a. Maximum ground coverage. No more than 50 percent of a lot shall be covered by buildings. No more than 85% of a lot shall be covered by impervious surface.
 - b. No more than 30 percent of the total lot area of a riparian lot shall be covered with an impervious surface unless adequate measures are taken to control the rate and enhance the quality of runoff as determined by the City Engineer.
 - c. *Distance of impervious parking surface from the Rum River.* No impervious surface for the purpose of driveways or parking areas may be closer than 50 feet from the ordinary high water level of the river and must be screened by natural material.
 - d. *Distance from high water level of the Rum River.* No building may be closer than 100 feet from the ordinary high water level of the river and may not exceed 35 feet in height.
 - (4) *Off street parking and loading areas.* Establishments within an M-2 general industrial district must be designed to provide vehicle parking

space for employees and visitors and space for truck loading and unloading on their own property.

- a. *Drainage and surface.* The surfaces of parking stalls and aisles, truck standing spaces and access driveways shall be bituminous, concrete, or similar surface not including Class V gravel and designed and maintained for adequate drainage and free from dust, dirt, and mud.
 - b. *Curbing.* If the parking lot is bordered by a right of way that contains drainage gutter and storm sewer, the perimeter of parking lots, truck standing places and access driveways shall be curbed with poured or precast concrete.
 - c. Prohibited off-street parking. Off-street parking is prohibited in the following areas:
 1. Within any required front yard when directly across from a residential zoning district.
 2. Within five feet of any property line.
 - d. Nonconforming parking and loading areas. Nonconforming parking, driving, and loading areas shall be allowed to continue, but shall comply with Section 74-257(e)(4)(a and b) upon the need for a site plan approval by the City Council and/or issuance or amendment of a conditional or interim use permit.
- (5) Parking ratio requirements. The parking areas shall include the following ratio of parking stalls plus adequate aisles and walks.
- a. Manufacturing: One parking stall per 500 square feet of building or one stall per 1.5 employees on major shift plus one for each company vehicle, whichever is greater.
 - b. Office: One parking stall per 250 square feet of floor area.
 - c. Warehousing: One per 1.5 employees plus one for each company vehicle, or one per 2,000 square feet of floor area, which is greater.
 - d. Other uses: Other uses shall be subject to other off-street parking requirements in the City Code.
- (6) Open Storage areas.
- a. Open storage is permitted in side or rear yards except within 25 feet of a property line adjacent to a residential district.
 - b. All open storage shall be screened from any classes of residential or commercial district, or from any public right-of-way that has a grade difference of less than 12 feet. Storage shall be screened by buildings or the use of one or a combination of the following:

1. Screening fence. A screening fence at least six feet in height with a minimum opaqueness of 80 percent. The fence shall be compatible with the principal building and surrounding properties. Screening fences shall be gate style, painted or stained whenever necessary, to prevent fading, chipping or discoloration. Damaged or destroyed fences shall be repaired or restored in a reasonable period of time as determined by the Planning Department.
 2. Planting screen. A planting screen consisting of a row of evergreen shrubs or deciduous trees, as recommended by the City Forester. Only honey locust, hard maples, green ash, ginko, or other long-lived shade trees approved by the City Forester shall be planted. The trees shall be a minimum of two (2) to two and one-half (2-1/2) inches caliper and shall be spaced not more than 15 feet apart. The shrubs shall be a minimum of two (2) to three (3) feet in height at time of planting, with a mature height of four (4) to six (6) feet, and shall be spaced between the trees in such proximity as will form a screen. Planting screens shall be maintained in a neat and healthy condition. Dead materials shall be replaced in a reasonable period of time as determined by the Planning Department. As an alternative, a planting screen may consist of a continuous row of evergreen trees, no less than four (4) feet in height at time of planting and ten (10) feet apart.
 3. Berm. A berm no less six feet in height with a side slope of no greater than 1 ½ to two. The berm shall be sodded or seeded and maintained until sod develops. Slopes greater than 1 ½ to two may be used if the slopes are stepped, using retaining walls.
 4. Others. Topography, existing vegetation, permanent buildings or other barriers may be substituted for the provisions of this subsection, if in the determination of the Planning Commission, provide adequate screening.
- c. The parking, keeping, storage or accumulation of junk motor vehicles upon any private land or premises owned, occupied or controlled by any person or legal entity unless authorized by this code or other ordinance shall be prohibited. For purposes of this section, a junk vehicle means any motor vehicle as defined in Minn. Stats 169.01, subd. 3, part of a motor vehicle, or former motor vehicle stored which is (1) unusable or inoperable because of a lack of or defects in component parts; (2) damage from collision, deterioration, or otherwise; (3) beyond repair, and, therefore, not intended for future use as a motor vehicle; (4) being retained on the property for possible use of salvageable parts; or (5) is not properly and currently licensed for operation.

- d. Hazardous chemicals and materials as defined by Minnesota State Statutes are prohibited from being stored outside.
- e. Open storage shall not affect the required amount of parking stalls needed on a site.
- f. Open storage may not be stacked higher than 12 feet unless it is fully screened from any property line.
- g. All waste material, garbage or refuse shall be kept in an enclosed container and screened from any public right-of-way.
- h. For the purposes of this section, the storage of trailers associated with the use shall not be considered open storage provided the trailers are licensed, operable, and are used for the transportation of materials associated with the business and not storage of materials.

(7) Landscaping.

- a. All yards not occupied by parking, permitted open storage, or loading space, shall either be landscaped and green areas or be left in a natural state. If any yards are to be landscaped, they shall be landscaped attractively with lawn, trees, shrubs, etc. Any areas left in a natural state shall be properly maintained in a slightly and well-kept condition. Yards adjoining residential districts which are otherwise not screened shall be landscaped with buffer planting screens.
- b. It shall be the owner's responsibility to see that landscaping is maintained in an attractive and well-kept condition. Any dead vegetation shall be required to be replaced upon notice from the Planning Department.
- c. All vacant lots, tracts, or parcels shall be properly maintained in an orderly manner, free of litter and junk.

(g) *Performance standards.* It is the intent of this subsection to provide that industry and related activities in the M-2 general industrial district shall be established and maintained with proper appearance from streets and adjoining properties and to provide that each such permitted use shall be a good neighbor to adjoining properties by the control of emission of noise, odor, glare, vibration, smoke, dust, liquid wastes, radiation radioactivity, etc. Performance standards in the M-2 general industrial district shall be as follows:

- (1) *Noise.* Any noise emitted must meet requirements set forth in the City Code pertaining to noise as a public nuisance.
- (2) *Odor.* Every operation shall conform to Minnesota Pollution Control Agency standards. Detailed plans for the prevention of odors crossing property lines may be required before the issuance of a building permit.
- (3) *Glare.* Glare, whether direct or reflected, such as from floodlights or high temperature processes, and as differentiated from general illumination, shall not be visible at any property line.

- (4) *Exterior lighting.* Any lights used for exterior illumination shall direct light away from adjoining properties. Lighting shall not exceed 0.1 foot candle at residential property lines and 0.5 foot candle at nonresidential property lines measured on a vertical plane.
 - (5) *Vibration.* No person or device shall cause any unreasonable or annoying vibration which constitutes a public nuisance as defined at Art. II Section 38-30 of this Code.
 - (6) *Smoke, dust, fumes or gases.* Every operation shall conform to Minnesota Pollution Control Agency standards.
 - (7) *Hazard.* Every operation shall be carried on with reasonable precautions against fire and explosion hazards. Reasonable shall mean if the operation is in compliance with local, county, state and federal regulations.
 - (8) *Water supply.* The design and construction of water supply facilities and water supply source shall be in accord with City health regulations and requirements.
 - (9) *Wastes.* All sewage and industrial wastes shall be treated and disposed of in such manner as to comply with City health regulations and requirements.
- (h) *Architectural control and appearance.* Architectural control and appearance in the M-2 general industrial district shall be regulated as follows:
- (1) All buildings erected shall conform to the State building code.
 - (2) Building specifications must contain sufficient data to indicate elevations, all materials, textures, colors, and finishes for all foundations, exterior walls and roofs of buildings and for all storage fencing and walls.
 - (3) Any exterior wall finishes of new principal buildings and exterior sides of accessory buildings that can be viewed from a public street shall be required to be one or a combination of the following:
 - a. Face brick.
 - b. Natural stone.
 - c. Decorative concrete block, if used with brick, stone, or glass.
 - d. Specially designed precast concrete units, if the surfaces have been integrally treated with an applied decorative material or texture not including raked texture.
 - e. Architectural metal accent panels, generally with a value greater than precast concrete units.
 - f. *Alternative Designs or Materials.* To encourage creativity, imagination, innovation, and variety in architectural design, the Planning Commission may recommend modifications of the requirements of this Section and the City Council may

approve such modifications upon determining that the proposed architectural design or exterior wall material(s) meets all of the following conditions:

1. The proposed design or material is consistent with the purposes of this section.
 2. The proposed design or material would enhance the architectural appearance of the building, and would be equal or superior to designs or materials permitted by this section.
 3. The proposed design or material would be in harmony with the character of adjacent buildings and the surrounding district.
- (4) The following exterior wall materials shall be prohibited:
- a. Factory fabricated or pre-engineered steel and finished metal framed panel construction.
- (5) Any pre-existing structures or buildings that lawfully exist on the effective date of this ordinance may be expanded using similar material(s) of the existing building provided all other requirements of the city code are met.

Section 74-258.

M-3 Light Industrial/Commercial Overlay District

- (a) *Purpose of district.* The purpose of this section is to establish an overlay district to address the unique characteristics of properties adjacent to Bunker Lake Boulevard, west of St. Francis Boulevard. The M-3 Light Industrial/Commercial Overlay District is established to provide exemplary standards of development for certain industrial and commercial uses as well as multiple family residential uses in this district. These uses shall maintain high standards of appearance, including open spaces and landscaping; limit external effects such as noise, odors, smoke and vibration; and not require a high level of public services. With proper control, these areas should become compatible with surrounding commercial or residential areas. The City has determined that future growth within the overlay district must be responsibly managed under a planned framework of development parameters. A crucial element of planned development management involves the maintenance of acceptable levels of traffic operation on regional and local road systems. In order to maintain the functional capacity of area road systems, consideration was made for large vehicle traffic generation and types of land use to facilitate compatibility between these uses and neighboring residential developments. The light industrial/commercial overlay district attempts to create a reasonable balance between the interests of the property owner in development of the property, and at the same time protect the interest of the surrounding properties and the City.
- (b) *Intent.* Bunker Lake Boulevard has unique traffic management needs, development pressures, and aesthetic characteristics that require the establishment of additional development standards to meet the City's goals and fulfill the purpose of this Ordinance. The intent of the M-3 Light Industrial/Commercial Overlay District is to require development along the corridor that maintains the visual environment of the City, protects the general welfare, responsive to development pressures, and proportional to the area's

traffic management issues. The overlay district regulations are intended to supplement the regulations of the underlying M-1 Light Industrial zoning district and to provide for compatibility of development along the identified corridor.

- (c) *Applicability.* In the event other City ordinances or State Statutes address the same topics covered in this Section, the more restrictive language shall apply.
- (d) *Establishment of District Boundaries.* Boundaries for the M-3 Light Industrial/Commercial Overlay District areas are shown on the Official Zoning Map. The district shall include the following properties:

Address	PID Number
500 Bunker Lake Blvd. NW	36-32-25-21-0009
650 Bunker Lake Blvd.	36-32-25-21-0214
652 Bunker Lake Blvd.	36-32-25-21-0008
700 Bunker Lake Blvd.	36-32-25-22-0070
730 Bunker Lake Blvd.	36-32-25-22-0001
	36-32-25-22-0006
740 Bunker Lake Blvd.	36-32-25-22-0004
800 Bunker Lake Blvd.	36-32-25-22-0002
1140 Bunker Lake Blvd.	35-32-25-12-0010
3821 Tower Pond Dr.	36-32-25-24-0022
Vacant Lot	35-32-25-12-0013
Vacant Lot	35-32-25-11-0021

- (e) *Permitted uses.* The following are permitted uses in the M-3 Light Industrial/Commercial Overlay District:
 - (1) Art equipment supplier – manufacturers.
 - (2) Bags, boxes and paper containers, manufacturing and storage.
 - (3) Baker products.
 - (4) Books, loose-leaf binders – fabrication and assembly.
 - (5) Cabinet and woodworking establishments.
 - (7) Books and Bookbinding.
 - (8) Camera and photographic manufacturing.
 - (9) Cold Storage Plants- refrigeration and warehouse.
 - (10) Commercial printing, publishing, engraving and reproduction firms.
 - (11) Confectionary and related products, manufacture and packaging.
 - (12) Dental Instruments and supplies.
 - (13) Electric lighting and wiring equipment – manufacture.
 - (14) Electric measuring and testing equipment – manufacture.
 - (15) Electric tubes and other components – manufacture.

- (16) Electrical products and appliances – manufacture and assembly.
- (17) Fabricated metal products – warehousing and administration.
- (18) Food and kindred products – warehousing and administration only.
- (19) Footwear – manufacture and fabrication.
- (20) Furniture and fixtures – warehousing and administration only.
- (21) Hand and edge tools (except machine tools) – manufacturing and assembly.
- (22) Hardware warehousing and distribution operations.
- (23) Ice plants and ice cream plants.
- (24) Jewelry manufacture.
- (25) Laboratory instruments and associated equipment, scientific and testing.
- (26) Luggage, handbags, similar items – manufacture and assembly.
- (27) Mail order business.
- (28) Medical and surgical instruments and supplies – manufacture and assembly.
- (29) Machine tool – manufacture.
- (30) Newspaper plants and offices.
- (31) Optical instruments and lenses – manufacture and assembly.
- (32) Paper and allied products – warehousing and administration.
- (33) Patterns – design and manufacture.
- (34) Pottery – wholesale and making pottery.
- (35) Precision instruments.
- (36) Plumbing fixture and equipment – wholesale.
- (37) Radio and television – assembly and parts fabrication.
- (38) Sport equipment – manufacture and assembly.
- (39) Scientific and research instruments and equipment – manufacture and assembly.
- (40) Signs and advertising display materials.
- (41) Stone, Clay and glass products – warehousing and administration.

- (42) Telephone and telegraph technical apparatus – manufacture and assembly.
 - (43) Temperature controls – fabrication and assembly.
 - (44) Textile products – warehousing and administration only.
 - (45) Welding supply.
 - (46) Wholesale business facilities.
 - (47) Contractor and construction supply shops, conducted wholly within an enclosed building, including but not limited to plumbing, HVAC, drywall, roofing and electrical.
 - (48) Medical and dental clinics.
 - (48) Offices such as administrative, executive, professional, governmental, medical, and research.
 - (49) Employment agencies.
 - (50) Dance and music studios, martial arts, judo, boxing, gymnastics.
 - (51) Wellness centers, fitness and health clubs, gyms.
 - (52) Mortuaries, funeral homes.
 - (53) Craft and artisan shops such as model making, rug weaving, wood products, and similar activities.
 - (54) Artist, author, composer, sculptor.
 - (55) Music and art teachers or other tutoring services.
 - (56) Professional art or photo gallery.
 - (57) Professional portrait studio and film shop.
 - (58) Catering.
 - (59) Paint, wallpaper stores, interior decorating studio.
- (f) *Conditional Uses.* The following uses may be allowed only upon the City's issuance of a Conditional Use Permit:
- (1) Multiple family residential dwellings.
 - (2) Mini-storage facilities.
 - (3) Daycare facility.
 - (4) Retail and service establishments providing goods and services that are complimentary to the principal uses in the district and qualify as an accessory use under this Section.

- (5) Other manufacturing, production, processing, cleaning, storage, servicing, repair and testing of materials, goods or products or other commercial uses, not identified as, but similar to those permitted uses as determined by the City and shall be of the same general character as the permitted uses above with similar traffic volume generation and found not to be obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, oxidation, smoke, dust, odors, toxic or noxious matters or glare or heat.
- (g) *Accessory Uses.* The following are considered accessory uses:
- (1) Uses customary with and incidental to the principal use are permitted, but shall not exceed thirty (30) percent of the gross floor area of the principal use.
 - (2) Signs, off-street parking and loading areas as regulated by this chapter.
- (h) *Prohibited Uses.*
- (1) Public schools or private schools for students enrolled in grades K-12, or any portion thereof, trade schools, vocational schools, colleges, universities, institutions of higher learning.
 - (2) Yards for storage, sale and distribution of building materials or landscaping products and materials.
 - (3) Motor vehicle repair businesses.
 - (4) Gas, service stations or convenience stores.
 - (5) Hospital.
 - (6) New or used car sales.
 - (7) Residential facilities whose purpose is to treat juveniles who have violated criminal statutes related to sex offenses or who have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be a permitted use.
 - (8) Any use not specifically listed as permitted, conditionally permitted, or as allowed elsewhere in the City Code, shall be considered prohibited. A prohibited use may be changed to a permitted, conditionally permitted or interim use upon amendment of this Chapter.
- (i) *Site design standards.* Site design standards in the M-3 Light Industrial/Commercial Overlay District shall be consistent with the requirements set forth in the M-1 Light Industrial standards, with the following additional regulations:
- (1) *Height regulations.* No building shall hereafter be erected or structurally altered to exceed three stories or 40 feet in height.
 - (2) *Lot area requirements.* Every dwelling hereafter erected, enlarged, relocated, altered or reconstructed shall be located upon lots containing the following areas:

- a. Multiple dwelling: The minimum lot area shall be not less than 12,000 square feet for the first two dwelling units plus 2,000 square feet for each additional dwelling unit and shall not be less than 75 feet wide at the building setback line nor less than 130 feet in depth.
- (3) *Density standards for residential uses.* The density for residential uses shall be no less than 4 units nor more than 10 units per acre.
- (4) *Floor Area Requirements.* Residential floor area requirements required in Chapter 74, Article V, Division 2, Section 74-211 (b) shall apply to this Section.
- (5) *Impervious surface.* The impervious surface coverage for multiple dwellings shall not be more than 50%. Impervious surface coverage for other uses shall be consistent with requirements set forth in the M-1 Light Industrial standards.
- (6) *Off-street parking and loading requirements.* Off-street parking and loading shall be consistent with the standards in the M-1 Light Industrial District. The parking ratios for manufacturing, office and warehousing uses in M-1 district shall apply. For other uses allowed in the M-3 Light Industrial/Commercial Overlay District, parking stall requirements shall be at least comparable to similar uses in other districts, but also subject to additional provisions as provided by the City and consistent with Chapter 74, Article IX, Division 2 Off-Street Parking and Loading.
 - a. No more than six company vehicles (vans, semis, etc.) may be parked overnight on any one property, provided sufficient off-street parking is available to accommodate said vehicles. Such vehicles must be used primarily for business related purposes of a business located on the same property. Vehicles defined as being a midsize vehicle or larger are permitted only in screened areas approved by the City as required by this Section.
- (7) *Outdoor storage areas.*
 - a. With the exception of loading and unloading of commodities, and parking and storage of vehicles and trailers, all business activities shall be within an enclosed building.
 - b. Outdoor storage of products or merchandise offered at wholesale, material stored for salvage or disposal, or items used in the operation of the business is prohibited.
 - c. Inoperative vehicles or equipment, or other items typically stored in a junkyard or salvage yard, shall not be stored outside on the property and shall be considered public nuisances affecting peace and safety, pursuant to Section 38-32 of the City Code.
- (8) *Screening*

- a. Stored vehicles and outdoor storage areas shall be screened by walls of buildings or a screening fence compatible with the principal building and surrounding land uses. The screening requirements shall be satisfied by the use of one of the following as recommended by the Planning Commission and approved by the City Council:
 - i. *Screening fence.* A screening fence at least six feet in height with a minimum opaqueness of 80 percent. The fence shall be compatible with the principal building and surrounding properties. Screening fences shall be painted or stained, whenever necessary, to prevent fading, chipping or discoloration. Damaged or destroyed fences shall be repaired or restored in a reasonable period of time.
 - ii. *Planting screen.* A planting screen consisting of a row of alternating evergreen shrubs and deciduous trees. Only honey locust, hard maples, green ash, ginko, or other long-lived shade trees approved by the City forester shall be planted. The trees shall be a minimum of two to 2½ inches caliper and shall be spaced not more than 15 feet apart. The shrubs shall be a minimum of two to three feet in height at time of planting, with a mature height of four to six feet, and shall be spaced between the trees in such proximity as will form a screen. Planting screens shall be maintained in a neat and healthy condition. Dead materials shall be replaced in a reasonable period of time. As an alternative, a planting screen may consist of a continuous row of evergreen trees, no less than four feet in height at time of planting and ten feet apart.
 - iii. *Berm.* A berm no less than six feet in height with a side slope of no greater than 1½ to two. The berm shall be sodded or seeded, mulched, and maintained until sod develops. Slopes greater than 1½ to two may be used if the slopes are stepped, using retaining walls. Plant materials resistant to erosion may be substituted for sod or seed with the prior approval of the Planning Commission and City Council.
 - iv. *Others.* Topography, existing vegetation, permanent buildings, or other barriers may be substituted for the provisions of this subsection, if in the determination of the Planning Commission and City Council they provide equivalent screening.
- b. Garbage receptacles or refuse areas must be located in rear or side yards, be constructed of masonry with a gate and must be screened from public view.

(9) *Landscaping.*

- a. All open areas of any site, lot, tract, or parcel shall be graded to provide proper drainage and, except for areas used for parking, driveways, or storage, shall be landscaped with trees, shrubs, and planted ground cover. Location, size, and species of trees and shrubs shall be indicated on the site plan and subject to the landscaping ordinance and approval by the Planning Commission and City Council.
 - b. It shall be the owner's responsibility to see that this landscaping is maintained in an attractive and well-kept condition. If any trees or shrubs die, the owner shall replace them with a like species. Any dead or damaged sod also shall be replaced.
 - c. All vacant lots, tracts, or parcels shall be properly maintained in an orderly manner, free of litter and junk.
 - d. All landscaped areas and sodded areas which abut a public street shall include an underground sprinkling system.
- (j) *Performance standards.* It is the intent of this subsection to provide that industry and related activities in the M-3 Light Industrial/Commercial Overlay District shall be established and maintained with proper appearance from streets and adjoining properties and to provide that each such permitted use shall be a good neighbor to adjoining properties by the control of emission of noise, odor, glare, vibration, smoke, dust, liquid wastes, radiation, radioactivity, etc.
- (1) *Noise.* Noise shall be measured on any property line of the tract on which the operation is located. Noise shall be muffled, so as not to become objectionable due to intermittence, beat frequency, shrillness or intensity.
 - (2) *Odor.* No activity or operation shall cause at any time the discharge of odorous matter in such concentrations as to be readily detectable at any point along the property boundary line or in such concentration as to create a public nuisance or hazard beyond such boundary line. Detailed plans for the prevention of odors crossing property lines may be required before the issuance of a building permit.
 - (3) *Glare.* Glare, whether direct or reflected, such as from floodlights or high temperature process, and as differentiated from general illumination, shall not be visible at any property line.
 - (4) *Exterior lighting.* Any lights used for exterior illumination shall direct light away from adjoining properties.
 - (5) *Smoke, dust, fumes, or gases.* Every operation shall conform to state pollution control standards.
 - (6) *Hazard.* Every operation shall be carried on with reasonable precautions against fire and explosion hazards.
 - (7) *Water supply.* The design and construction of water supply facilities and water supply source shall be in accord with city health standards and requirements.

- (8) *Waste.* All sanitary sewage and industrial wastes shall be treated and disposed of in such manner as to comply with health standards and requirements of the City and the State Department of Health and the State Water Pollution Control Commission.

(k) *General regulations.*

- (1) All commercial use outdoor activities such as loading and unloading shall be located a minimum of 100 feet from any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions and community centers.
- (2) Where uses are located on sites which abut residential zoning districts or residential uses, all outdoor activities including trucking are limited to normal hours of operation except for those specifically excluded. Normal hours of operation are defined as being between the hours of 7:00am and 10:00pm Monday through Saturday inclusive, and includes all outdoor activities, loading and unloading, truck maneuvering and movement of equipment and other materials. It does not include administrative or office functions, or maintenance, manufacturing, or cleanup work conducted entirely within a structure. Operations may be conducted between the hours of 10:00 p.m. and 7:00 a.m., subject to the following conditions:
- a. The person conducting operations outside of normal business hours shall apply for a temporary permit for hours of operation between 10:00 p.m. and 7:00 a.m. The application for such permit shall specify the name and address of the applicant, the location of the temporary operation, the nature of the activity, the anticipated duration of such activity and the name and telephone number of the responsible person available on the premises while temporary operations are being conducted.
 - b. A temporary permit may be granted for a period not to exceed 15 days. A person receiving a temporary permit may apply for extensions, provided that the number of days in which temporary permits are granted shall not exceed 90 days in any calendar year.
 - c. A permit may be denied to any applicant who has had two violations of a temporary permit and/or has violated any other provision of this Chapter within a period of one year preceding the date of application.
 - d. A permit issued pursuant to this section shall be revoked upon a violation of this chapter or the terms of the permit by the permit holder or any person or entity acting on behalf of, or at the request of, the permit holder.
 - e. No permit shall be issued for the time from 10:00 p.m. Saturday to 7:00 a.m. Monday.
 - f. When a permit is issued for a period of time exceeding five days, the City shall send notice to owners of residential property abutting the property for which a permit is granted,

informing them of the terms of the permit. The holder of the temporary permit shall reimburse the City for the cost of such notice.

- g. Employee parking during temporary operations shall be located on the site as far as possible from any parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers.

- (3) Uses shall not generate significant traffic on local residential streets. Where possible, truck activity routes shall be accessed from a roadway identified in the Comprehensive Plan as a collector or arterial road.

- (1) *Architectural control and appearance.* The architectural control and appearance standards in the M-1 district shall apply to non-residential buildings and structures in the M-3 Light Industrial/Commercial Overlay District with the exception as stated in subsection (1) (5) of this section. The architectural control and appearance for multiple family residential uses shall be as follows:

- (1) *Multiple family residential.* Architectural control and appearance shall be regulated as follows:

- a. Facades.

- 1. Visual Breaks. The exterior of new buildings shall be designed with visual breaks through the use of decorative tile work, masonry (but not flat concrete block), belt courses of a different texture and color, projecting cornices, medallions, opaque or translucent glass, artwork, vertical articulation, lighting fixtures, or architectural elements not listed herein as approved by the City Council.

- 2. Width. A building more than 45 feet in width shall be divided into increments of no more than 45 feet through articulation of the façade. This can be achieved through combination of the following techniques:

- aa. Division of breaks in materials
- bb. Window bays
- cc. Special treatment at entrances
- dd. Subtle variations in rooflines and parapet detailing
- ee. Building setbacks
- ff. Awnings
- gg. Repetitive elements

- b. Exterior Materials and Detailing.

- 1. New buildings and structures, additions, and renovations must be constructed of durable materials.

2. In multi-story buildings, the ground floor shall be distinguished from the floors above by the use of a combination of the following:
 - aa. An intermediate cornice line
 - bb. A difference in building materials or detailing
 - cc. An offset in the façade
 - dd. An awning, loggia, or arcade
 - ee. Special window lintels
 - ff. Brick/stone corbels
3. The exterior opaque materials on each respective elevation of a multiple family residential building must be brick, stone, decorative masonry or similar materials or a combination thereof. Public Façade: 50%; Side Façade: 33%; Interior Façade: 25%. The brick, stone, or decorative masonry shall be focused on prominent architectural features, particularly the office components of the building, elevations that include primary building entrance or multiple tenant entrances, corners of buildings, and the prominent building elevations fronting on public streets.
4. The remaining percentage of the building exterior opaque materials shall be comprised of the following materials:
 - aa. Cast stone
 - bb. Wood shingles (cedar shingles with 6-inch maximum exposure)
 - cc. Lap siding, cedar or redwood (6 inch width, no diagonal siding)
 - dd. Tongue and groove paneling, cedar or redwood (6 inch width, no diagonal siding)
 - ee. Copper (untreated)
 - ff. Stucco and EFIS
 - gg. Cement board
 - hh. Glass (does not include windows)
 - ii. Dark anodized aluminum
 - jj. Materials that are similar in character to those listed above and approved by the City.
5. The following materials are not allowed as exterior materials:
 - aa. Painted or unpainted concrete block
 - bb. Aluminum, vinyl or fiberglass siding or roofing materials.
 - cc. Precast concrete materials, unless specifically approved by the City Council for a new commercial building.
 - dd. Painting of previously unpainted brick
 - ee. Wooden exteriors

6. LEED (Leadership in Energy and Environmental Design) Standards. The City encourages the use of sustainable building materials and construction techniques through programs such as US Green Building Council's LEED program.
 7. Alternative Designs or Materials. To encourage creativity, imagination, innovation and variety in architectural design, the Planning Commission may recommend modifications of the requirements of this Section and the City Council may approve such modifications upon determining that the proposed architectural design or exterior facade(s) materials meet all of the following conditions:
 - aa. The proposed design or material is consistent with the purposes of this section.
 - bb. The proposed design or material would enhance the architectural appearance of the building and would be equal or superior to designs or materials permitted by this section.
 - cc. The proposed design or material would be in harmony with the character of adjacent buildings and the surrounding district.
 - c. Accessory building. The City Council may require common walls for accessory buildings where common walls will eliminate unsightly and hazardous areas. Exteriors of accessory buildings shall have the same exterior finish as the main structure or some other compatible finish approved during site plan review.
- (2) All buildings erected shall conform to the State building code.
 - (3) Building specifications must contain sufficient data to indicate elevations, all materials, textures, colors, and finishes for all foundations, exterior walls and roofs of buildings and for all storage fencing and walls.
 - (4) The Planning Commission and City Council will review the overall appearance of the proposed buildings in terms of the structure's relationship and impact on adjacent land uses and development. The building should conform with the existing design and character of the industrial park, and any adjacent businesses. The standards for architectural treatment will be higher for sides of buildings facing a street or a residential area.
 - (5) A building that has an exterior wall finish of factory fabricated or pre-engineered steel and finished metal framed panel construction may have exposed metal fasteners on walls that are adjacent to a minimum six foot berm and six foot fence, on a wall facing the interior of the site, or adjacent to a tree line or landscaping with six foot evergreen trees

ten feet on center, limiting the visibility of the public. All other exterior walls must not have exposed fasteners.

(m) *Exterior lighting.*

(1) Exterior lighting shall be used to provide illumination for the security and safety of entry drives, parking, service and loading areas, and pathways, without intruding on adjacent properties, and shall comply with the following standards:

- (a) Poles and fixtures shall be architecturally compatible with structures and lighting on-site and on adjacent properties.
- (b) Metal halide lighting shall be used with a concealed light source of the “cut-off” variety to prevent glare and “light trespass” onto adjacent buildings and sites.
- (c) Poles in parking lots shall have a maximum height of 24 feet, measured from finished grade.
- (d) “Wall paks” shall be down-lit and shielded from view.
- (e) Security lighting shall be adequate for visibility, but not overly bright.
- (f) City Code Section 74-519 shall also apply as applicable.

(2) *Lighting intensity.*

- a. A photometric lighting plan is required to ensure adequate and appropriate light levels are provided for each site condition.
- b. Lighting shall not exceed 0.1 foot candle at residential property lines or 0.5 foot candle on non-residential property lines measured on a vertical plane.

(n) *Plat and plan approval.* Plat and plan approval of property in the M-3 Light Industrial/Commercial Overlay District shall be as follows:

- (1) A site plan and security agreement shall be required pursuant to section 74-38.
- (2) No development shall be allowed until the Planning Commission has reviewed and made a recommendation and the City Council has approved the development.
- (3) In cases where there is uncertainty or disagreement about compliance with the standards in this Section, the Planning Director or designee may refer development approvals to the Planning Commission and City Council to determine whether the proposal meets the standards of this Section.

(o) *Enforceability.*

- (1) *Violation.* Unless expressly provided otherwise, it shall be a misdemeanor for any person or entity to violate any provision of the

City Code, including this Section, any rule or regulation adopted in pursuance of any such provision, or any order lawfully enforcing the City Code or this Section. This term “misdemeanor” is defined in Minnesota Statutes Section 609.02, subd. 3, as amended. In addition to prosecuting a violation as a misdemeanor, the City may separately, or in conjunction with the misdemeanor prosecution, bring a civil action to enforce any provisions of the City Code, including this Section, or any rule or regulation adopted in pursuance of such provision.

Section 74-259--74-264.

Reserved.